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4 Las Vegas, Nevada 89101  
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5 *Attorneys for Defendants*

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF NEVADA  
8

9 SUZANNE HARRIS, an individual  
10 Plaintiff,

Case No. 2:16-cv-00163-RFB-NJK

11 v.

12 STEFAN STROMS, an individual,  
NICOLE WILSON, an individual,  
13 and JOHN DOES 1-5, individuals  
whose true identities are unknown  
14

Defendant.  
15 \_\_\_\_\_/

**DEFENDANTS' MOTION FOR LEAVE  
TO AMEND ANSWER TO COMPLAINT**

16 COMES NOW Defendants, Stefan Stroms and Nicole Wilson by and through their attorney of  
17 record, Adam Levine, Esq. of the Law Office of Daniel Marks, and submits their Motion for Leave to  
18 Amend Answer to Complaint.

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1 This Motion is based upon the Memorandum of points and Authorities attached hereto, the  
2 pleadings and papers on file herein, and any arguments of counsel the Court may entertain.

3 DATED this 4th day of March, 2016.

4 LAW OFFICE OF DANIEL MARKS

5 /s/ Adam Levine, Esq.  
6 DANIEL MARKS, ESQ.  
7 Nevada State Bar No. 002003  
8 ADAM LEVINE, ESQ.  
9 Nevada State Bar No. 004673  
610 South Ninth Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendants*

10  
11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **STANDARDS GOVERNING MOTIONS FOR LEAVE TO AMEND**

13 Fed. R. Civ. P. 15(a) governs amendments of pleadings, and states:

14 (a) AMENDMENTS BEFORE TRIAL. A party may amend its pleading once as a  
15 matter of course within: 21 days after serving it, or if the pleading is one to which a  
16 responsive pleading is required, 21 days after service of a responsive pleading or 21  
17 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. **In  
all other cases, a party may amend its pleading only with the opposing party's  
written consent or the court's leave. The court should freely give leave when  
justice so requires.**

18 FED. R. CIV. P. 15(a) (Emphasis added).

19 On February 12, 2016 Defendants filed their Answer to Complaint in the above entitled action.  
20 Since the filing a review of the Answer to Complaint was made and revealed at least eight (8) were  
21 insufficient, contained typographical errors and/or erroneous responses in that Answer to Complaint.  
22 The proposed Amended Answer to Complaint is attached hereto as Exhibit "A".

23 It would be an injustice to deny the Defendants the opportunity to correct any insufficiency,  
24 typographical or erroneous answer.

1 **PROCEEDINGS TO DATE**

2 This case is just beginning and the only documents filed have been the Complaint and Answer  
3 to Complaint.

4 The should be no delay in the proceedings as the Early Case Conference pursuant to FRCP  
5 26(f) has not taken place as of the date of this Motion.

6 **CONCLUSION**

7 Based upon the foregoing, the Defendants respectfully request that the Court grant them leave  
8 to Amend their Answer to Complaint.

9 DATED this 3rd day of March, 2016.

10 LAW OFFICE OF DANIEL MARKS

11 /s/ Adam Levine, Esq.  
12 DANIEL MARKS, ESQ.  
13 Nevada State Bar No. 002003  
14 ADAM LEVINE, ESQ.  
15 Nevada State Bar No. 004673  
610 South Ninth Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendants*

16 **ORDER**

17 The Court has reviewed [9] Motion for Leave to Amend Answer to Complaint. Pursuant to Fed.  
18 R. Civ. P. 15(a)(1)(A), a party may amend its pleading once as a matter of course within 21 days after  
19 serving it. Defendants sought leave to amend their answer within 21 days after serving it.

20 Therefore, IT IS ORDERED that [9] Motion for Leave to Amend Answer is GRANTED.  
21 Defendants shall have until March 15, 2016 to file their Amended Answer.

22 IT IS SO ORDERED:

23 

24 RICHARD F. BOULWARE, II  
United States District Judge  
DATED this 8th day of March, 2016.

**CERTIFICATE OF SERVICE BY ELECTRONIC MEANS AND MAILING**

I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 3rd day of March, 2016, I did serve by way of court mandated electronic filing and did deposit in the United States Post Office at Las Vegas, Nevada with first class postage fully prepaid thereon a true and correct copy of the above and foregoing DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO COMPLAINT to the email addresses and address as follows:

J. Malcolm DeVoy, Esq.  
DEVOY LAW  
200 E. Charleston Blvd.  
Las Vegas, Nevada 89104  
Email: [ecf@devoylaw.com](mailto:ecf@devoylaw.com)  
[jmd@devoylaw.com](mailto:jmd@devoylaw.com)  
*Attorney for Plaintiff*

/s/ Glenda Guo, Paralegal  
An employee of the  
LAW OFFICE OF DANIEL MARKS

EXHIBIT “A”

LAW OFFICE OF DANIEL MARKS  
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IN THE UNITED STATES DISTRICT COURT  
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SUZANNE HARRIS, an individual  
Plaintiff,

Case No. 2:16-cv-00163-RFB-NJK

v.

STEFAN STROMS, an individual,  
NICOLE WILSON, an individual,  
and JOHN DOES 1-5, individuals  
whose true identities are unknown

**AMENDED**  
**ANSWER TO COMPLAINT**

**JURY TRIAL DEMANDED**

Defendant.

COMES NOW Defendants, Stefan Stroms and Nicole Wilson by and through their attorney of record, Adam Levine, Esq. of the Law Office of Daniel Marks, and for their Amended Answer to the Complaint admit, deny, and respond as follows: ***Amended Answers are in bold.***

1. In answering Paragraphs 9, 10, 11, 14, 15, 20, 23, 25-28, 30, 33-34, 38, 43, 46, 50, 59, 64 and 80-82 of Plaintiff's Complaint Defendants admit each and every allegation contained therein

2. In answering Paragraphs 1-3, 6, 12, -13, 16-17, **29, 31-32, 35**, 39-**41**, 44-45, 47-49, 51-56, **60-62**, 65-66, 69-77, **79**, 83, 91-97, 99-105, 107-114, 116-123, 125-130, and 132-138 of Plaintiff's Complaint Defendants deny each and every allegation contained therein.

1 ///

2 3. Paragraphs 4-7 Plaintiff's Complaint are inapplicable as the Defendants filed a Petition  
3 for Removal of Action to Federal Court Under 28 U.S.C. §1442(a) on January 28, 2016.

4 4. In answering Paragraphs 8, 18-19, 21-22, 24, 36, 42, 57-58, 63, 68, and 84-89 of  
5 Plaintiff's Complaint Defendants are without sufficient knowledge and/or information to admit or deny  
6 and therefore deny each allegation contained therein.

7 5. In answering Paragraph 37, Defendants admit that Stroms was requested to leave the  
8 interview but deny that that request was repeatedly made.

9 6. In answering Paragraph 67, Defendants admit that Stroms' email of February 5, 2015  
10 contained the phrase "could not come at a worst time" but deny that the incident with **Harris** was  
11 fabricated.

12 7. In answering Paragraph 78, Defendants admit that Stroms filed a police report on  
13 February 6, 2015 with Las Vegas Metropolitan Police Department but deny that the police report  
14 contained false statements about Harris.

15 8. In answering Paragraphs 90, 98, 106, 115, 124 and 131 of Plaintiff's Complaint, this  
16 paragraphs do not contain any allegation to admit or deny.

17 **AFFIRMATIVE DEFENSES**

18 1. The Complaint fails to state a claim upon which relief may be granted.

19 2. Any statements made by Defendants which form the basis for the claims were true.

20 3. Any statements made by Defendants which form the basis for the claims were  
21 privileged.

22 4. Any statements made by Defendant which form the basis for the claims are with regard  
23 to a public figure and/or a matter of public concern so as to be subject to the actual malice standard.

24 5. The Complaint is barred by laches.

10. The Complaint is a strategic lawsuit against public participation.

DATED this \_\_\_\_ day of March, 2016.



**CERTIFICATE OF SERVICE BY ELECTRONIC MEANS AND MAILING**

I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the \_\_\_\_ day of March, 2016, I did serve by way of court mandated electronic filing and did deposit in the United States Post Office at Las Vegas, Nevada with first class postage fully prepaid thereon a true and correct copy of the above and foregoing AMENDED ANSWER TO COMPLAINT to the email addresses and address as follows:

J. Malcolm DeVoy, Esq.  
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Las Vegas, Nevada 89104  
Email: [ecf@devoylaw.com](mailto:ecf@devoylaw.com)  
[jmd@devoylaw.com](mailto:jmd@devoylaw.com)  
*Attorney for Plaintiff*

\_\_\_\_\_  
An employee of the  
LAW OFFICE OF DANIEL MARKS